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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,009	01/08/2002	Bruce Huitt	38, 146	6596
29569	7590	12/09/2003	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			GIBSON, RANDY W	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,009	HUITT ET AL.	
	Examiner	Art Unit	
	Randy W. Gibson	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-36, 40-43, 46 and 48-62 is/are rejected.
- 7) ☒ Claim(s) 37-39, 44, 45 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-36, 40-43, 46, 51, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Castle (US # 4,969,112). Castle discloses the claimed invention including load cells (12, 14, 16 & 18) each with its own wireless communications means (Col. 4, lines 21-32) to communicate with a control device (20).

3. Claims 52-54 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vitunic et al (US # 4,909,338).

4. Claims 52-61 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Griffen (US # 4, 804,052). For calibration for load position errors using an unknown weight, see column 6, line 3 to column 8, line 47.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle (US # 4,969,112) in view of Dillon et al (US # 4,815,547). Castle discloses the claimed invention except for the digital correction factors. However, it is known to calibrate a weighing device prior to its use to compensate for factory tolerances in manufacturing the individual load cells, as well as compensating for temperature induced variations, as shown by the example of Dillon et al (Col. 6, lines 27-63). it would have been obvious to calibrate the weighing devices of Castle before use, as suggested by Dillon et al, to insure accuracy.

7. Claims 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon et al (US # 4,815,547) in view of Vitunic et al (US # 4,909,338). Although Dillon et al mathematically corrects the weight signal for each load cell, Dillon et al does not expressly state that his load cells are compensated for "load position". However, as the reference to Vitunic et al makes clear, all scale are inherently sensitive to off-center loading and that the individual load cells need to be compensated for bending moments produced by eccentric loads. It would have been obvious to the ordinary practioner to

modify the calibration method of Vitunic et al for the scale of Dillon et al to make it moment insensitive to increase the accuracy of the scale.

Conclusion

8. Claims 37-39, 44, 45, and 47 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although Dillon et al (Fig. 7) and Griffen (Fig. 6) seem to show the embodiment covered by claims 37-39, 44, and 45, there is no motive found in the art of record to modify the scales found in these two patents to use some form of "wireless communication" to transmit data to or from the load cells, junction box, or master controller. With regards to the Castle reference, there seems to be no motive to use both a "junction box" and a "master controller" with "wireless communication" in-between since device 20 serves as both and there seems to be no motive to separate the device 20 into multiple devices with wireless communications in-between which would seemingly increase the complexity of the entire apparatus disclosed.

With regards to claim 47, there is no motive found in the art of record to use a single conductor wave guide to transmit data from a load cell to a controller.

Incidentally, the apparatus to Castle cannot be modified to include a "load position" correction factor to make the entire weighing apparatus (as opposed to individual scales 12, 14, 16 & 18) moment insensitive since the purpose of using multiple scales in this reference is to determine the distribution of the load in order to

detect off-center loading, NOT to mathematically cancel out off-center loading effects since this would render the device inoperative for its intended purpose (Col. 1, lines 13-26; col. 4, lines 29-32).

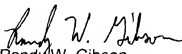
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (703) 308-1765. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-5115.


Randy W. Gibson
Primary Examiner
Art Unit 2841